

REMARKS

This response is being filed with a two month extension. Reconsideration is respectfully requested. In a telephone conference with the Examiner on January 26, 2006, a discussion was had regarding the need for the Office to provide a supplemental office action. The supplemental office action was needed because the Office failed to respond to the arguments and amendments presented in the final office action response filed on July 5, 2005. Reference should be made to the Examiner's Interview Summary mailed on December 5, 2005.

On January 26, 2006, the Examiner contacted the undersigned and indicated that he was willing to discuss the merits of the case and the outstanding rejection. The Examiner proposed that if the Applicant responded to the incomplete office action of September 9, 2005, incorporating distinctions discussed in the interview, the Examiner would either: (a) expedite allowance of the application or; (b) would issue another non-final office action in response. The reply by the Applicant to the September 9, 2005 Office Action would obviate the Examiner's need to supply the Applicant with the supplemental office action.

With this understanding in place, the Applicant has agreed to respond to the September 9, 2005 Office Action, even though it was incomplete and would have to pay for a two month extension. Accordingly, the substance of this response is related to the distinctions discussed regarding the prior art and claimed invention on January 26, 2006.

A discussion was had regarding the teachings of the primary reference to Herz (U. S. Patent No. 6,460,036). Claims 1-6, and 11-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Herz (U. S. Patent No. 6,460,036). This rejection, in view of the clarifying amendments, is hereby traversed.

The claims have been amended to further clarify the operation of: "comparing data concerning the search item *with data limited to ~~concerning~~ text content previously read by the customer* by accessing the first database and the customer database to obtain rating data responsive to the search request..." (e.g., amended claim 1)

As pointed out in the telephone conference with the Examiner, Herz does not limit the comparison of a search item with text content previously read by the customer. The search can comparison is open ended, and is based on several metrics. For ease of reference, part of the abstract of Herz is reproduced below:

This invention relates to customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a "target profile" for each target object in the electronic media based, for example, on the frequency with which each word appears in an article relative to its overall frequency of use in all articles, as well as a "target profile interest summary" for each user, which target profile interest summary describes the user's interest level in various types of target objects. The system then evaluates the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user so that the user can select from among these potentially relevant target objects, which were automatically selected by this system from the plethora of target objects that are profiled on the electronic media....

As can be appreciated from the basic teachings of Herz, the target profile interest summary will consider the user's interest level in various types of objects. In the claimed invention, a comparison is made by a comparison that is limited to text content previously read by the customer.

Although there are other distinctions between the prior art and the claimed invention, as discussed with the Examiner, the Applicant has focused on clarifying the claims in regard to limiting the comparison to text content previously read by the customer. The Examiner is also kindly referred to the remarks made in the after final office action response, which further distinguish the claimed invention from Herz. For brevity, those remarks will not be repeated herein.


Claims 7-10, and 28-35 were rejected under 35 U.S.C. § 103(a) as being obvious and unpatentable over Herz in view of Reisman (U.S. Patent No. 6,611,862).

In view of the discussion from the section above, the combination of Herz and Reisman still fails to disclose each and every feature of the claim embodiments, because Reisman fails to remedy the deficiencies of Herz. Thus, even if Herz is combined with Reisman, the combination fails to render the claimed embodiments obvious.

Accordingly, after entry of the present Amendment, the application is now in a condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6903. If any other fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805. (Order No. SONYP008). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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